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Amendment No. 7 to SB2947

Beavers
Signature of Sponsor

AMEND Senate Bill No. 2947

House Bill No. 2760*

by deleting all language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 13-3-301(b), is amended by designating the existing language as subsection (b)(1) and by adding the following language to be designated as subsection (b)(2):

(2) Notwithstanding subsection (b)(1), the provisions of this subdivision shall apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

not less than

nor more than

12,800

12,900

7,975

8,025

17,400

17,450

20,300

20,400

17,700

17,775

130,400

130,500

7,200

7,300

88,800

88,900.

The regional plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the regional planning commission's recommendations for the

development of the territory covered by the plan, and may include, among other things, the general location, character and extent of public ways, ground and other public property; the general location and extent of public utilities and terminals, whether publicly or privately owned, for power, light, heat, sanitation, transportation, communication, water and other purposes; the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways, grounds, open spaces, buildings, properties, utilities or terminals; the general character, location and extent of community centers, town sites or housing developments; the location and extent of forests, agricultural areas and open development areas for purposes of conservation, food and water supply, sanitary and drainage facilities or the protection of urban development and the identification of areas where there are inadequate or nonexistent publicly or privately owned and maintained services and facilities when the planning commission has determined such services are necessary in order for development to occur; a land classification and utilization program; and a zoning plan for the regulation of the height, area, bulk, location and uses of buildings, the distribution of population, and the uses of land for trade, industry, habitation, recreation, agriculture, forestry, soil and water conservation and other purposes.

SECTION 2. Tennessee Code Annotated, Section 13-3-302, is amended by designating the existing language as subsection (a) and by adding the following language to be designated as subsection (b):

(b)

(1) Notwithstanding subsection (a), the provisions of this subsection shall apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

not less than

nor more than

12,800	12,900
7,975	8,025
17,400	17,450
20,300	20,400
17,700	17,775
130,400	130,500
7,200	7,300
88,800	88,900.

(2) The regional plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, efficient and economic development of the region which will, in accordance with present and future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and welfare of the inhabitants, as well as efficiency and economy in the process of development, including, among other things, such distribution of population and of the uses of the land for urbanization, trade, industry, habitation, recreation, agriculture, forestry and other uses as will tend to create conditions favorable to transportation, health, safety, civic activities and educational and cultural opportunities, reduce the wastes of financial and human resources which result from either excessive congestion or excessive scattering of population, and tend toward an efficient and economic utilization, conservation and production of the supply of food, water, minerals, drainage, sanitary and other facilities and resources, and will identify areas where there are inadequate or nonexistent publicly or privately owned and maintained services and facilities when the planning commission has determined such services are necessary in order for development to occur.

SECTION 3. Tennessee Code Annotated, Section 13-3-303, is amended by adding the following after the second sentence of the section:

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Prior to the adoption of the plan or any part, amendment or addition thereto, the commission shall hold a public hearing thereon, the time and place of which shall be published in a newspaper of general circulation in the county at least thirty (30) days prior to the meeting in which the adoption is to be first considered.

SECTION 4. Tennessee Code Annotated, Section 13-3-304, is amended by adding the following at the end of the section:

(1) Except as provided in subdivision (2), once the planning commission of the region or the municipality has adopted and certified the general regional plan, the planning commission's transmittal of the certification to the legislative body may simultaneously include a resolution by the planning commission requesting the legislative body's consideration and adoption of the general regional plan. The county legislative body by resolution or the municipal legislative body by ordinance may adopt the general regional plan or in the case of the municipality their element of the plan as certified by the planning commission. Prior to the adoption of the general regional plan or amendment thereof by a legislative body, the legislative body shall hold a public hearing thereon, the time and place of which shall be published in a newspaper of general circulation in the county at least thirty (30) days prior to the meeting in which the adoption or amendment is to be first considered. If the legislative body adopts the general regional plan in the form of an ordinance by the municipality or a resolution by the county, then any land use decisions thereafter made by the legislative body or planning commission must be consistent with the general regional plan. The general regional plan can be amended only upon recommendation by and certification of the amendment by the planning commission and adoption of that recommendation by the legislative body. The general regional plan may be adopted as an element of the jurisdictions' growth plan through the process established in Title 6, Chapter 58, but if the regional general plan is not adopted as part of the growth plan, it nevertheless

cannot be inconsistent with the growth plan or the intent of Title 6, Chapter 58.

(2) The provisions of subdivision (1) shall not apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
12,800	12,900
7,975	8,025
17,400	17,450
20,300	20,400
17,700	17,775
130,400	130,500
7,200	7,300
88,800	88,900.

In such counties the general regional plan may be adopted as an element of the jurisdictions' growth plan through the process established in Title 6, Chapter 58, but if the regional general plan is not adopted as part of the growth plan, it nevertheless cannot be inconsistent with the growth plan or the intent of Title 6, Chapter 58.

SECTION 5. Tennessee Code Annotated, Section 13-3-403(a), is amended by designating the existing language as subsection (a)(1) and by adding the following language to be designated as subsection (a)(2):

(2) Notwithstanding subdivision (1), the provisions of this subsection shall apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
12,800	12,900
7,975	8,025
17,400	17,450

20,300	20,400
17,700	17,775
130,400	130,500
7,200	7,300
88,800	88,900.

In exercising the powers granted to it by § 13-3-402, the regional planning commission shall adopt regulations governing the subdivision of land within its jurisdiction. Such regulations may provide for the harmonious development of the region and its environs; for the coordination of roads within the subdivided land with other existing or planned roads or with the state or regional plan or with the plans of municipalities in or near the region; for adequate open spaces for traffic, light, air and recreation; for the conservation of or production of adequate transportation, water, drainage and sanitary facilities; for the avoidance of population congestion; and for the avoidance of such scattered or premature subdivision of land as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, transportation or other public services or would necessitate an excessive expenditure of public funds for the supply of such services or would be located in areas where there are inadequate or nonexistent publicly or privately owned and maintained services and facilities when the planning commission has determined such services are necessary in order for development to occur.

SECTION 6. Tennessee Code Annotated, Section 13-4-201, is amended by designating the existing language as subsection (a) and by adding the following language to be designated as subsection (b):

(b) Notwithstanding subsection (a), the provisions of this subsection shall apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
12,800	12,900
7,975	8,025
17,400	17,450
20,300	20,400
17,700	17,775
130,400	130,500
7,200	7,300
88,800	88,900.

It is the function and duty of the commission to make and adopt an official general plan for the physical development of the municipality, including any area outside of its boundaries which, in the commission's judgment, bears relation to the planning of the municipality. The plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the commission's recommendations for the physical development of the area of the municipal planning jurisdiction and identify areas where there are inadequate or nonexistent publicly or privately owned and maintained services and facilities when the planning commission has determined such services are necessary in order for development to occur, and may include, among other things, the general location, character and extent of streets, bridges, viaducts, parks, parkways, waterways, waterfronts, playgrounds, airports and other public ways, grounds, places and spaces, the general location of public buildings and other public property, the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, light, power, sanitation, transportation, communication and other purposes; also the removal, relocation, widening, extension, narrowing, vacating, abandonment, change of use or extension of any of the foregoing public ways, grounds, places, spaces, buildings, properties or utilities; also a zoning plan for the regulation of the height, area, bulk, location and use of private and public structures and premises and of population density; also

the general location, character, layout and extent of community centers and neighborhood units; also the general location, character, extent and layout of the replanning of blighted districts and slum areas. The commission may from time to time amend, extend or add to the plan or carry any part of subject matter into greater detail.

SECTION 7. Tennessee Code Annotated, Section 13-4-202, is amended by adding the following after the first sentence:

Prior to the adoption of the plan or any parts or parts thereof by the commission, the commission shall hold a public hearing thereon, the time and place of which shall be published in a newspaper of general circulation in the municipality at least thirty (30) days prior to the meeting in which the adoption is to be first considered.

SECTION 8. Tennessee Code Annotated, Section 13-4-202, is amended by adding the following to the end of the section:

(1) Except as provided in subdivision (2), once the commission has adopted the general plan or amendment thereof for the planning jurisdiction of the commission, the commission's transmittal of the certification to the legislative body may simultaneously include a resolution by the planning commission requesting the consideration and adoption of the general plan by the legislative body of the municipality and in the case of a municipal regional planning commission by the county legislative body for the area outside the municipal boundary limits but within the county. The municipal legislative body by ordinance may adopt the general plan as certified by the planning commission and the county legislative body by resolution may adopt the elements of the plan within the jurisdiction of the county legislative body as certified by the planning commission. Once adopted by the legislative body, the general plan can only be amended upon recommendation by and certification of the amendment by the planning commission and adoption of that recommendation by the legislative body. Prior to the adoption of the general plan or amendment thereof, a legislative body shall hold a public hearing

thereon, the time and place of which shall be published in a newspaper of general circulation in the municipality at least thirty (30) days prior to the legislative body's meeting in which the adoption or amendment is to be first considered. After the adoption of the general plan by a legislative body, any land use decisions thereafter made by that legislative body and the respective planning commission must be consistent with the plan. The general plan may be adopted as an element of the jurisdiction's growth plan through the process established in title 6, chapter 58, but if the general plan is not adopted as part of the growth plan, it nevertheless cannot be inconsistent with the growth plan or the intent of title 6, chapter 58.

(2) The provisions of subdivision (1) shall not apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
12,800	12,900
7,975	8,025
17,400	17,450
20,300	20,400
17,700	17,775
130,400	130,500
7,200	7,300
88,800	88,900.

In such counties, the general plan may be adopted as an element of the jurisdiction's growth plan through the process established in title 6, chapter 58, but if the general plan is not adopted as part of the growth plan, it nevertheless cannot be inconsistent with the growth plan or the intent of title 6, chapter 58.

SECTION 9. Tennessee Code Annotated, Section 13-4-203, is amended by designating the existing language as subsection (a) and by adding the following language to be

designated as subsection (b):

(b) Notwithstanding subsection (a), the provisions of this subsection shall apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
12,800	12,900
7,975	8,025
17,400	17,450
20,300	20,400
17,700	17,775
130,400	130,500
7,200	7,300
88,800	88,900.

In the preparation of the plan, the commission shall make careful and comprehensive surveys and studies of the existing conditions and future growth of the municipality and its environs. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development, and identify areas where there are inadequate or nonexistent publicly or privately owned and maintained services and facilities when the planning commission has determined such services are necessary in order for development to occur.

SECTION 10. Tennessee Code Annotated, Section 13-4-303(a), is amended by designating the existing language as subdivision (1) and by adding the following language to be designated as subdivision (2): deleting the period at the end of the subsection and adding

the following language:

(2) Notwithstanding subdivision (1), the provisions of this subsection shall apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
12,800	12,900
7,975	8,025
17,400	17,450
20,300	20,400
17,700	17,775
130,400	130,500
7,200	7,300
88,800	88,900.

In exercising the powers granted to it by this part, the planning commission shall adopt regulations governing the subdivision of land within the municipality. Such regulations may provide for the harmonious development of the municipality and its environs, for the coordination of streets within subdivisions with other existing or planned streets or with the plan of the municipality or of the region in which the municipality is located, for adequate open spaces for traffic, recreation, light and air, and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity, and identify areas where there are inadequate or nonexistent publicly or privately owned and maintained services and facilities when the planning commission has determined such services are necessary in order for development to occur.

SECTION 11. Tennessee Code Annotated, Section 13-7-101(a) (1), is amended by designating the existing language as subdivision (A) and by adding the following

language to be designated as subdivision (B):

(B) Notwithstanding subdivision (A), the provisions of this subsection shall apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
12,800	12,900
7,975	8,025
17,400	17,450
20,300	20,400
17,700	17,775
130,400	130,500
7,200	7,300
88,800	88,900.

The county legislative body of any county is empowered, in accordance with the conditions and the procedure specified in this part, to regulate, in the portions of such county which lie outside of municipal corporations, the location, height and size of buildings and other structures, the percentage of lot which may be occupied, the sizes of yards, courts, and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation or other purposes, and identify areas where there are inadequate or nonexistent publicly or privately owned and maintained services and facilities when the planning commission has determined such services are necessary in order for development to occur. Special districts or zones may be established in those areas deemed subject to seasonal or periodic flooding, and such regulations may be applied therein as will minimize danger to life and property, and

as will secure to the citizens of Tennessee the eligibility for flood insurance under Public Law 1016, 84th Congress, or subsequent related laws or regulations promulgated under such provisions. Protection and encouragement of access to sunlight for solar energy systems may be considered in promulgating zoning regulations pursuant to this section.

SECTION 12. Tennessee Code Annotated, Section 13-7-102, is amended by designating the existing language as subsection (a) and by adding the following language to be designated as subsection (b):

(b) Notwithstanding subsection (a) the provisions of this subsection shall apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
12,800	12,900
7,975	8,025
17,400	17,450
20,300	20,400
17,700	17,775
130,400	130,500
7,200	7,300
88,800	88,900.

From and after the time when the regional planning commission of any planning region defined and created by the state planning office makes and certifies to the legislative body of any county located in whole or part in such region a zoning plan, including both the text of a zoning ordinance and the zoning maps, representing the recommendations of such planning commission for the regulation by districts or zones of the location, height and size of buildings and other structures, the percentage of lots that may be occupied, the sizes of yards, courts and other open

spaces, the density and distribution of population, the location and uses of buildings and structures for trade, industry, residence, recreation or other purposes and the use of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation or other purposes, and identify areas where there are inadequate or nonexistent publicly or privately owned and maintained services and facilities when the planning commission has determined such services are necessary in order for development to occur, then the county legislative body may, by ordinance, exercise the powers granted in § 13-7-101 and, for the purpose of such exercise, may divide the territory of the county which lies within the region but outside of municipal corporations into districts of such number, shape or area as it may determine and within such districts may regulate the erection, construction, reconstruction, alteration and uses of buildings and structures and the uses of land. All such regulations shall be uniform for each class or kind of buildings throughout any such district, but the regulations in one (1) district may differ from those in other districts. The regional planning commission may make and certify a single plan for all the territory of the county which lies within the region but outside of municipal corporations, or may make and certify separate and successive plans for parts of such territory which it deems to be suitable for urban or nonurban development or which for other reasons it deems to be an appropriate territorial unit for a zone plan; and correspondingly, any ordinance enacted by the county legislative body may cover and include the whole territory of the county which lies within the region but outside of municipal corporations covered and included in any such single plan or in any such separate and successive plans. No ordinance covering more or less than the entire area covered by any such certified plan shall be enacted or put into effect until or unless it is first submitted to the regional planning commission and is approved by the commission or, if disapproved, shall receive the favorable vote of not less than two

thirds (2/3) of the entire membership of the county legislative body.

SECTION 13. Tennessee Code Annotated, Section 13-7-103, is amended by designating the existing language as subsection (a) and by adding the following language to be designated as subsection (b):

(b) Notwithstanding subsection (a) the provisions of this subsection shall apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
12,800	12,900
7,975	8,025
17,400	17,450
20,300	20,400
17,700	17,775
130,400	130,500
7,200	7,300
88,800	88,900.

Such regulations shall be designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the state and of its counties, including, among other things, lessening congestion on the roads or reducing the wastes of excessive amount of roads; securing safety from fire and other dangers; promoting adequate light and air, including protecting and encouraging access to sunlight for solar energy systems; preventing, on the one hand, excessive concentrations of population and, on the other hand, excessive and wasteful scattering of population or settlement; promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and conserve adequate provisions

for transportation, water flowage, water supply, drainage, sanitation, educational opportunity, recreation, soil fertility, food supply and the protection of both urban and nonurban development, and identify areas where there are inadequate or nonexistent publicly or privately owned and maintained services and facilities when the planning commission has determined such services are necessary in order for development to occur.

SECTION 14. Tennessee Code Annotated, Section 13-7-201(a)(1), is amended by designating the existing language as subdivision (A) and by adding the following language to be designated as subdivision (B):

(B) Notwithstanding subdivision (A) the provisions of this subsection shall apply in counties having a population, according to the 2000 federal census or any subsequent federal census of:

<u>not less than</u>	<u>nor more than</u>
12,800	12,900
7,975	8,025
17,400	17,450
20,300	20,400
17,700	17,775
130,400	130,500
7,200	7,300
88,800	88,900.

For the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare, the board of aldermen, board of commissioners or other chief legislative body of any municipality by whatever title designated (and hereinafter designated as "chief legislative body"), is empowered, in accordance with the conditions and the procedure specified in this part and part 3

of this chapter, to regulate the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes , and identify areas where there are inadequate or nonexistent publicly or privately owned and maintained services and facilities when the planning commission has determined are necessary in order for development to occur.. Special districts or zones may be established in those areas deemed subject to seasonal or periodic flooding, and such regulations may be applied therein as will minimize danger to life and property, and as will secure to the citizens of Tennessee the eligibility for flood insurance under Public Law 1016, 84th Congress or subsequent related laws or regulations promulgated thereunder. Protection and encouragement of access to sunlight for solar energy systems may be considered in promulgating zoning regulations pursuant to this section. deleting the period at the end of the first sentence and adding the following

language:

SECTION 15. Tennessee Code Annotated, Section 13-7-202, is amended by designating the existing language as subsection (a) and by adding the following language to be designated as subsection (b):

(b) Whenever the planning commission of the municipality makes and certifies to the chief legislative body a zoning plan, including both the full text of a zoning ordinance and the maps, representing the recommendations of the planning commission for the regulation by districts or zones of the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the size of yards, courts and other open spaces, the density of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, public activities

and other purposes, and identify areas where there are inadequate or nonexistent publicly or privately owned and maintained services and facilities when the planning commission has determined such services are necessary in order for development to occur, then the chief legislative body may exercise the powers granted and for the purposes mentioned in § 13-7-201, and may divide the municipality into districts or zones of such number, shape and areas it may determine, and, for such purposes, may regulate the erection, construction, reconstruction, alteration and uses of buildings and structures and the uses of land.

SECTION 16. This act shall take effect upon becoming a law, the public welfare requiring it.